

BOARD FOR BRANCH PILOTS MEETING MINUTES

The Virginia Board for Branch Pilots met on Thursday, April 28, 2011, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Charles R. Amory, Jr.
Captain Robert H. Callis, III
Bruce R. Cherry
Captain J. William Cofer
Captain Milton B. Edmunds
Thomas P. Host III
Captain John A. Morgan, Jr.
Meade G. Stone, Jr.

Board member William M. Martin III was not present for the meeting.

Staff present for the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen (Kate) R. Nosbisch, Executive Director
Nick A. Christner, Deputy Director of Compliance and Investigations

Cynthia H. Norwood was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Cherry, President, called the meeting to order at 10:35 a.m.

Call to Order

Captain Callis moved to approve the agenda. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Morgan and Stone.

Approval of Agenda

Captain Cofer moved to approve the minutes from the February 2, 2011, board meeting. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host, Morgan and Stone.

Approval of Minutes

Mr. Host recused himself from the meeting and left the room as his company, T. Parker Host, Inc., was the agent for the ships involved in the incident letters from Captains Benjamin Speckhart and Clarence Young.

Recusal of Mr. Host

The Board reviewed a letter from Captain Benjamin L. Speckhart, regarding an incident on February 14, 2011, involving the M/V ZEN HUA. On the 14th of February 2011, Captain Speckhart was ordered to the M/V ZEN HUA 24 at 11:00 from APM Terminals. The ship was to transit from APM Terminals to sea. Captain Speckhart boarded the vessel at

Captain Benjamin L. Speckhart – M/V ZEN HUA

approximately 10:30. The master of the ship presented him with the vessel's particulars and pilot card. Captain Speckhart reviewed the pilot card and the vessel particulars and conducted a verbal master/pilot exchange. The master reported that the ship's navigational and mechanical systems were in good working order. Captain Speckhart noted that the vessel's length was 800', its beam was 131'3" and the vessel's draft was 28'. Captain Speckhart proceeded to call Joint Harbor Operations Center (JHOC) on VHF-FM Channel 12 to request permission to get underway from APM Terminals to sea. The JHOC watchstander granted the vessel permission to get underway. The docking master for this movement was John Hanna, who separately conducted his master/pilot exchange.

The M/V ZEN HUA 24 was positioned starboard side to the pier in the northern most berth. The ship's heading was almost due south. A Maersk vessel was berthed at the pier in front of and to the south of the ZEN HUA 24. There were two container cranes on the pier just forward of the vessel that had been delivered by the ZEN HUA 24, and there remained two container cranes on the deck of the ship that were being delivered elsewhere. The height of the cranes at APM Terminals is 170'6" at Mean High Water. The air draft of the vessel was almost the same height. Captain Speckhart discussed this with Captain Hanna and it was his plan to keep the ship far enough off the berth when maneuvering, that the crane heights would not be an issue. Captain Speckhart agreed with this approach.

The weather was sunny and clear. The wind speed was approximately 20 knots from the west southwest (beam to the starboard side of the ship). The current at this location was ebbing at less than .5 knots. The wind would be setting the vessel toward the red buoys and the shoal on the east side of the APM basin.

Captain Hanna ordered the tugboat LIZZY B MORAN to make her line fast on the port bow and the tugboat CAPE HATTERAS make her line fast to the port quarter. Once the master, the docking master, and Captain Speckhart were in agreement to get the ship underway, the docking master gave the order to begin letting go of the ship's mooring lines. Captain Speckhart proceeded to give a security call on VHF-FM Channel 13 to announce the vessel would be getting underway from APM Terminals and would be outbound for sea. At approximately 11:15, after all the mooring lines were on board the vessel, Captain Hanna began to maneuver the vessel off the berth.

As the ship began to move laterally off the pier, Captain Speckhart periodically walked to the port side of the ship in order to make sure that the vessel was maintaining a safe distance from the edge of the channel. After initially checking the position from the port wing, Captain Speckhart walked into the wheelhouse and observed the GPS speed to be approximately .8 knots of headway. Captain Speckhart continued back to the starboard bridge

wing and checked their position on the starboard bridge wing. As Captain Hanna continued to maneuver the ship away from the berth, Captain Speckhart walked back the port bridge wing to re-evaluate the ships distance to the channel edge. Captain Speckhart was again satisfied that the vessel was in no danger of running aground. As Captain Speckhart began to walk back to the starboard side of the vessel, he heard what seemed to be the sound of a collision. At that point Captain Speckhart heard Captain Hanna order the vessel's engines full astern. When Captain Speckhart reached the starboard bridge wing he asked Captain Hanna if everything was alright, and it was at that time Captain Hanna told Captain Speckhart that the crane on the ship hit the crane on the shore. Captain Speckhart did not observe the distance between the shore and the vessels cranes start to close. He did not hear any report given by the master, any watch standers, or the docking master that the vessel cranes were closing at a distance to the onshore cranes.

The time of the contact was approximately 11:30. It was determined at that point the safest course of action was to maneuver the vessel back alongside the berth so that a damage assessment could be made. At approximately 11:39, Captain Speckhart called the United States Coast Guard and informed them of the situation. Captain Speckhart informed the Coast Guard that he would call them back as soon as the ship was back safely alongside. At approximately 12:15, the ship was back alongside the pier.

After review and discussion, Captain Edmunds moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Morgan and Stone.

The Board reviewed a letter from Captain Clarence M. Young, regarding an incident on April 5, 2011, involving the **M/V UBC MOBILE**.

**Captain Clarence
M. Young**

On 5 April 2011 at 0600, Captain Young boarded the motor vessel M/V UBC Mobile, a bulk carrier, via the pilot boat SWIFT off Newport News Pier "C." The vessel was anchored and awaiting daylight transit of the James River, inbound to Dupont Terminal on the upper part of the James River. A master/pilot exchange was conducted and according to the captain, all of the ship's gear was working properly. Captain Young reviewed the ship's pilot card and ship's particulars to ascertain the ship's maneuvering characteristics, draft, and gyro error.

M/V UBC MOBILE has a length overall of 354 feet 3 inches; moulded breadth is 59 feet 7 inches; moulded depth is 29 feet 5 inches; Air draft was 103 feet 6 inches; her gross tonnage is 5630 tons. Her draft was 6.37 meters forward, and 6.55 meters aft (21 feet 6 inches). The vessel is equipped with a 380 horsepower (3 step) bow thruster. She was built in 2010 and had 2

cranes on her port side.

The anchor was recovered and the ship was under way at 0615. Captain Young called the James River Bridge (JRB) on VHF Ch. 13 and requested a full lift and passed under the JRB at 0643.

As the ship approached Turkey Island Cut, Captain Young had the tug "Tobacco Point" shift position to set up to follow along while he passed close aboard his port side on the edge of the channel, as he needed to swing to starboard to get lined up for his approach into the Turkey Island Cutoff. With reduced speed Captain Young entered Turkey Island Cut and actively conned the ship in her port swing through the cut. Upon exiting the cut on the starboard side of the channel as usual, the ship passed marker "132" close to starboard while swinging to port to shape up between the pumping station and the power pole on the south bank. At this time, the ship heaved slightly to port and slowed to .2 kts.

At approximately 1320 the M/V UBC MOBILE was aground at 37°21.2" N and 077° 16.8" W. The Channel depth from Hopewell to Richmond is 25 ft. for a width of 200 ft. and the bottom composition at the location of the grounding is mud and sand (M.S.).

After assessing the situation - all tanks sounded, no pollution, no sand or silt in the engine strainers, but water all around the ship - the Captain called the Coast Guard to report the grounding. With max flood predicted at City Point to be 1449 (1.0 kn) Captain Young used the tug Tobacco Point and a tug of convenience that was in the area, to successfully re-float the M/V UBC MOBILE at approximately 1510 and proceeded inbound to Dupont.

After safely piloting the M/V UBC MOBILE to Dupont, Captain Young then contacted all parties and the United States Coast Guard. Captain Young informed them that all ballast and fuel tanks were checked, there was no pollution, and the vessel was safely moored at Dupont Terminal. Captain Young departed the vessel at 1930 and headed to the contracted testing sight where all post accident tests are administered. Upon returning to Virginia Beach, Captain Young submitted specimens for SAP 5-50 W/WIT, NIDA 5 DRUG PANEL, and an alcohol test. All results were negative.

After review and discussion, Mr. Stone moved that the letter be filed and that the Board take no action, as there appears to be no violation of the Board's regulations or statutes. Mr. Amory seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Morgan and Stone.

Mr. Host returned to the meeting. Mr. Amory recused himself from the meeting, as Captain Lorenzo Amory III and Mr. Amory are brothers.

**Return of Mr.
Host and Recusal**

of Mr. Amory

The Board reviewed a letter from Captain Lorenzo D. Amory III, regarding an incident on April 18, 2011, involving the M/V PETALON.

**Captain Lorenzo
D. Amory III –
M/V PETALON**

On April 18, 2011, at approximately 0250, the M/V PETALON, a vessel Captain Amory was piloting, ran aground in the center of Thimble Shoal Channel. The tide was low. Captain Amory was piloting the vessel from Dominion Terminals in Newport News to sea. The weather was good, the visibility was good, and the wind was light out of the south south-west.

At the time Captain Amory boarded the vessel at Dominion Terminals, he met with the master and conducted the master/pilot information exchange. The draft of the vessel was 47 feet 2 inches and all of the vessel's navigation and mechanical systems were in good operating order. Accompanying this report is the original pilot card, given to Captain Amory by the master, that contains the information required in order to pilot the vessel safely to Cape Henry.

The M/V PETALON undocked at 0100 and proceeded outbound in Newport News Channel to Thimble Shoal Channel.

The voyage was routine up to the time the ship stopped in the dead center of Thimble Shoal Channel east of buoys 13 and 14. The controlling depth of Thimble Shoal Channel is 50 feet at mean low water which should have provided plenty of water given our draft of 47 feet 2 inches.

Captain Amory reported the incident to the United States Coast Guard (USCG) at approximately 0300. Captain Amory then called for tug assistance. Two tugs from McAllister Bros. arrived at 0730, with their assistance and the rising tide, the M/V PETALON was refloated at approximately 0800. There was no discharge of fuel or other pollutants from the ship. The Coast Guard arrived later in the morning and accompanied the ship to Lynnhaven Anchorage.

Captain Amory's office reported to him at 1545 on April 20, 2011, that after divers completed an inspection of the ship, no damage was found as a result of the grounding.

Accompanying the report was a chartlet showing the location of the M/V PETALON where it grounded in Thimble Shoal Channel. Captain Amory also included soundings of the area, prepared by the Army Corps of Engineers, that shows shoaling of 41 feet in the center of the channel, the obvious reason for the grounding. The channel survey was ordered by the USCG, and was carried out shortly after the grounding occurred.

After discussion, the Board requested additional information be provided by Captain Amory prior to further consideration of the incident, including: the speed over ground; speed in water; how the ship layed aground at both ends; real time tidal and current data; and other ship traffic proximity. Mr. Stone moved to delay any action until the July 29, 2011, board meeting. Mr. Host seconded the motion. The Board agreed by consensus. The Board requested that Ms. Nosbisch draft a letter to Captain Amory, requesting the additional information be provided before the July 29, 2011, board meeting.

Mr. Amory returned to the meeting.

**Return of Mr.
Amory**

Captain Callis provided the Board with a report of the examinations conducted by the Examination Administrators on April 28, 2011. The following report was made:

**Exam
Administration
Report**

January N. Collins

Captain Collins answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring deep draft vessels, overtaking situations, limitations of navigation equipment, usage of the deep water route in the southeast sea lanes, under keel clearance and safe vessel speed.

Captain Collins stood a good examination and was found to be qualified. Captain Callis moved that Captain Collins be raised from the Golf classification (55,000 gross tons and 42 feet maximum draft) to the Hotel classification (64,000 gross tons and 46 feet maximum draft). Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Host, Edmunds, Morgan and Stone.

Benjamin L. Speckhart

Captain Speckhart answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, anchoring deep draft vessels, overtaking situations, limitations of navigation equipment, usage of the deep water route in the southeast sea lanes, under keel clearance and safe vessel speed.

Captain Speckhart stood a good examination and was found to be qualified. Captain Callis moved that Captain Speckhart be raised from the Golf classification (55,000 gross tons and 42 feet maximum draft) to the Hotel classification (64,000 gross tons and 46 feet maximum draft). Mr. Stone seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Host, Edmunds, Morgan and Stone.

Ms. Nosbisch reported that the public comment period for the regulations ended April 15 and that no comments were received. Ms. Nosbisch informed the Board that the proposed regulations would be before them for review and approval at the July 29, 2011, board meeting, and would then be submitted to the Registrar.

**Regulatory
Review Update**

Ms. Nosbisch informed the Board that Walter Hugh McCrory, Jr. filed a complaint with the Equal Employment Opportunity Commission (EEOC) alleging disability discrimination by the Board. The information was received April 4, 2011 and the Board responded April 8, 2011.

**Response to
Walter H.
McCrory Jr.'s
Complaint to the
Equal
Employment
Opportunity
Commission**

Ms. Norwood, board counsel, stated that EEOC does not apply as the board has no employees. Mr. McCrory was an independent contractor of the Virginia Pilot Association. Ms. Norwood also explained that as a government agency, DPOR and the Board have sovereign immunity.

Mr. Dixon, secretary for the board, presided and opened the floor for nominations for board president and vice president. Captain Cofer moved to nominate Mr. Cherry as Board President for the term of June 1, 2011 to May 31, 2015. Mr. Host seconded the motion. Mr. Stone moved to close the nominations. Mr. Amory seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cofer, Edmunds, Host, Morgan and Stone. Mr. Cherry abstained from voting. The Board agreed by consensus to elect Mr. Cherry Board President for the term of June 1, 2011 to May 31, 2015.

**Election of Board
President and Vice
President**

Mr. Host moved to nominate Mr. Stone as Board Vice President for the term of June 1, 2011 to May 31, 2015. Captain Callis seconded the motion. Mr. Amory moved to close the nominations. Captain Callis seconded the motion which was unanimously approved by Messrs. and Captains: Amory, Callis, Cherry, Cofer, Edmunds, Host and Morgan. Mr. Stone abstained from voting. The Board agreed by consensus to elect Mr. Stone Board Vice-President for the term of June 1, 2011 to May 31, 2015.

Ms. Nosbisch informed the board that the new liaison from the Board for Professional and Occupational Regulation (BPOR), who will replace Mr. William A. Tucker, will be announced at the next board meeting.

Other Business

Conflict of Interest forms were completed by all members present.

**Conflict of
Interest Forms**

There being no further business, the meeting was adjourned at 11:30 a.m.

Adjourn

Gordon N. Dixon, Secretary

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